

Amendments to the Specification:

Please insert the following paragraph after paragraph [0032]:

[0033] Fig.'s 8 - 10 show embodiments of the probe which may be inserted into the tag.

Please replace paragraph [0037] with the following amended paragraph:

[0037] The three pronged spindle element 16 is the primary operational member with respect to release of the anchoring tack 24. The spindle 16 consists of a central region designed to seat comfortably inside the aforementioned cup 14. The center of the spindle seat is hollow with three openings 22 in the perimeter of the seat. Three ball bearings 19 are disposed within the seat of the spindle and the spindle seat features a hollow interior region dimensioned such that three ball bearings fit snugly within the spindle seat which in turn is seated within the cup 14. Upon insertion of the shaft 28 of the tack 24 through tag housing 12, the tack shaft 28 enters the center of the spindle such as to separate the three ball bearings which were already disposed in a snug arrangement within the spindle seat. The added force of the tack shaft 28 separates the ball bearings such as to force them apart and through the holes in the spindle seat, against the limited area between the spindle 16 and the interior wall of cup 14. As a result, the shaft 28 of the tack 24 is clutched by ball bearings 19 and will not be released upon tugging on the head 30 of the tack 24.

Please replace paragraph [0038] with the following amended paragraph:

[0038] The spindle 16 is further characterized by three prongs oriented on the outer perimeter of the spindle which serve to support the spindle while also serving to couple with a molded plastic complimentary seat 32 within the plastic tag body. One of the spindle support legs 38 is larger than the other two and serves the purpose of providing a point of contact for an operational release probe 36, of which various embodiments are shown in Figures 8, 9, or 10. These probes 36 represent only a few embodiments of possible probes that may fit. When such a probe 36 is inserted into the body of the retail tag at opening 40, the spindle support leg 38 is struck and the spindle 16 is caused to rotate accordingly. A plastic ridge along the edge of the support seat 32 is constructed such that as the spindle is turned by striking the support leg 38 with a probe 36, the spindle seat is lifted slightly from the cup structure 14. After the spindle 16 is turned approximately one quarter turn, the spindle 16 is sufficiently removed from the cup 14 such that the ball bearings are moved into a larger diameter region of cup 14, allowing the ball bearings to separate and release from contact with the shaft 28 of the fastening tack 24 and the cup wall. At that point, the fastening tack 24 may be easily removed from the EAS tag housing 12. FIGS. 6a and 6b are a pair of progression drawings showing the operation of the camming action as the spindle turns.

Please replace paragraph [0039] with the following amended paragraph:

[0039] In order to facilitate a more effective clutching of the tack shaft 28 by the ball bearings, the tack shaft 28 may feature notches or flat areas in an otherwise round shaft

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circumference in order to provide a surface more easily anchored in the vicinity of the ball bearings.

Please replace paragraph [0040] with the following amended paragraph:

[0040] The EAS tag disclosed herein is a very versatile article as it may alternatively be operated through the use of a magnetic detachment mechanism. In order to facilitate such an operation, the seat portion of the spindle must be constructed of a ferrous material or some other material that is highly attracted by a magnet. In use, the store clerk will place the EAS tag adjacent a magnetic detacher with the side opposite the tack (side 12) facing or placed against the detacher. The detacher exerts a magnetic force which will act upon the spindle seat and draw it closer to the magnet. This force will cause the spring 18 to compress as the magnetic force overcomes the biasing force of spring 18. Upon compression of the spring 18, the spindle 16 will be raised from cup 14 such that ball bearings 19 are allowed into the larger diameter portion of cup 14. Accordingly, the ball bearings 19 separate and release tack 24 for removal from the tag housing 10. FIG. 7 shows the use of the electronic article surveillance tag with a magnetic detacher 42.

Please amend the title of the invention as follows;

~~Electronic article surveillance~~ EAS tag with ball clutch